



October 3, 2001

The Honorable Joseph I. Lieberman
Chairman, Committee on Governmental Affairs
United States Senate
Washington, DC 20510-6250

Dear Mr. Chairman:

The Department of Commerce appreciates the opportunity to provide its views on H.R. 1042, a bill "to prevent the elimination of certain reports." Section 1 of the bill provides that section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to reports required to be submitted under various provisions of law, which are listed in paragraphs (1) through (29). However, as described below, the Department of Commerce believes that the reports referenced in paragraphs (5), (11) (12), (13), and (14) are no longer necessary, and therefore, should not be included in the bill.

Delete Paragraph (5) of Section 1, H.R. 1042. The Department recommends deletion of paragraph (5), which refers to Section 404 of the Communications Satellite Act of 1962 (47 U.S.C. 744). With respect to the report required under Section 404 of the Communications Satellite Act of 1962 (47 U.S.C. 744), after INTELSAT privatization on July 18, 2001, responsibility for regulating COMSAT is with the Federal Communications Commission (FCC).

Delete Paragraphs (11) and (12) of Section 1, H.R. 1042. The Department recommends deletion of paragraphs (11) and (12), which refer to Section 5(d)(9) and Section 7 of Public Law 95-367, the National Climate Program Act, (15 U.S.C. 2904(d)(9) and 15 U.S.C. 2906), respectively.

The National Climate Program Act (NCPA) requires the establishment of a comprehensive and coordinated national climate policy and program. It calls for the establishment of a National Climate Program Office for the administration of the program. Section 5(d)(9) of the NCPA calls for the President to submit to the Congress for review and comment a preliminary five-year plan, and a final five-year plan establishing the goals and priorities for the Program, including the role of Federal agencies in the programs; Federal funding required to enable the Program to achieve such goals; and, Program accomplishments. Section 7 of the NCPA calls for the Secretary of Commerce to prepare and submit to the President and the authorizing committees an annual report on the activities conducted pursuant to the Act during the preceding fiscal year,

including a summary of the multi-agency budget request for the Program, and any recommendations for additional legislation which may be required to assist in achieving the purposes of the Act.

These reports are no longer the responsibility of the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA). The Climate Program Office, which was initially established within NOAA, has not been in existence since 1990, and, therefore, these reports have not been prepared since the last annual report was transmitted on December 30, 1988. Climate research activities of the Federal government are now conducted as part of the U.S. Global Change Research Program (USGCRP), in accordance with Public Law No.101-606. Public Law No. 101-606 mandates both an annual report to the Congress on the implementation of the USGCRP and a ten-year research plan, updated every three years. This set of reporting requirements has superceded the need for the annual report on interagency climate activities which NOAA was required to provide as the host of the now defunct National Climate Program Office.

Delete Paragraph (13) of Section 1, H.R. 1042. The Department recommends deletion of paragraph (13), which refers to Section 703 of Public Law No. 102-567, the Weather Service Modernization Act (15 U.S.C. 313 note). Section 703 of Public Law No. 102-567 required the Secretary of Commerce to include as part of the budget justification documents submitted to the Congress in support of the annual budget request for the Department of Commerce, a National Implementation Plan (Plan) for modernization of the National Weather Service (NWS) for each fiscal year following fiscal year 1993 until such modernization is complete. The section required the Plan to set forth the actions for which the budget request is made, that were necessary to accomplish the objectives described in the Plan. The Department filed these reports with Congress each year for FY 1994 through FY 2000.

Once the NWS modernization is complete, the Section 703 requirement to file this Plan with the Congress expires. In August of 2000, with the commissioning of the last Advanced Weather Interactive Processing System (AWIPS) at the River Forecast Center in Anchorage, Alaska, the NWS declared the NWS modernization complete. Indeed, the Department's Office of Inspector General (OIG) in its Semi-Annual Report to Congress, September 20, 2000 (page 16) stated: "With the successful implementation of the Advanced Weather Processing System (AWIPS) in August, the National Weather Service (NWS) completed its modernization effort resulting in dramatic improvements in weather services and to its radar systems, surface observing systems, information systems, and communications networks, as well as consolidation of its field office structure with reductions in staffing levels." As the modernization has been completed, the requirement for the report has expired, and the report is no longer needed.

Delete Paragraph (14) of Section 1, H.R. 1042. The Department recommends deleting paragraph (14) which refers to Section 118(d)(2) of the Federal Water Pollution Control Act

(known as the Clean Water Act) (33 U.S.C. 1268(d)(2)).¹ Section 118(d) of the Clean Water Act "establishes within the National Oceanic and Atmospheric Administration the Great Lakes Research Office." Section 118(d)(2) directed this Research Office to identify issues relating to the Great Lakes resources on which research is needed, and to submit an annual report to the Congress on such issues. The report shall also identify any changes in the Great Lakes system with respect to such issues.

The authorization of appropriations for Section 118 expired at the end of FY 1991. (See Section 118(h) of the Clean Water Act, 33 U.S.C. 1268(h).) No funds were ever appropriated to support the Great Lakes Research Office mission. Therefore, the reporting requirements of Section 118(d)(2) of the Clean Water Act should be deleted.

The Office of Management and Budget has advised the Department that there is no objection to the submission of this letter to the Congress from the standpoint of the Administration's program.

Sincerely,

Theodore W. Kassinger
Theodore W. Kassinger

cc: The Honorable Fred Thompson
Ranking Minority Member

¹ Section 118 of the Clean Water Act was added by Public Law No. 100-4.